

2011 APR 14 AM 11:29

U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
CLERK

Honorable Judge Marc Barreca

Chapter 13

Hearing Date: April 15, 2011

Hearing Time: 9:30 AM

Hearing Site: Courtroom 7106

Response Date: April 15, 2011

IN THE UNITED STATE BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

IN RE:

Rodolfo M. Masangkay and
Asiatica E. Masangkay

Debtors,

Rodolfo M. Masangkay
Asiatica E. Masangkay,

Plaintiff,

V.

Key Bank National Association and
LVNV Funding, LLC,

Defendants,

CHAPTER 13 BANKRUPTCY

ADVERSARY NO: 11-01207-MLB

BANKRUPTCY CASE NO. 09-13671-MLB

RESPONSE OF APPEARANCE OF LVNV
FUNDING, LLC

Your honor I am taking this privilege of discussing to you concerning this Adversary Hearing with Key Bank. This has taken a big part of our misery; we were victimized by a fraudulent act of this big company. I beg your honor to disallow this company to prolong their torture and discrimination on us. We already won this case over Key Bank, so please do not let them crush my family even more. We have a lot of mending from the pain that this cost us, and we still have to rebuild the dreams which were ruined by this bankruptcy. We have yet to fill

Adversary Hearing - Key Bank

Page 1 of 2

the good life that was taken from us, and will come back to normal. My family has a big cry, but no sounds, while we have a big empty space, yet too narrow to move. I want our rights back your honor. The right to be free to handle what belongs to us, the right to stop the greed of those people of enjoying our hard earned money, and the right to be treated like everybody else.

Respectfully submitted on April 14, 2011

By: 
Asiatica E. Masangkay

Prose

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Exhibit A

CAL-WESTERN RECONVEYANCE CORP.
OF WASHINGTON
P.O. Box 22004
El Cajon CA 92022-9004

Loan No. 96473101840603X
T.S. No. 1100371-12

NOTICE OF FORECLOSURE

PURSUANT TO THE REVISED CODE OF WASHINGTON, CHAPTER 61.24, ET SEQ.

To: A MASANGKAY; ASIATICA E. MASANGKAY; RODOLFO M MASANGKAY;
WIFE AND HUSBAND

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to KEYBANK NATIONAL ASSOCIATION, the Beneficiary of your Deed of Trust and owner of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on June 05, 2009. To cure the default(s), you must bring the payments current, cure any other default(s), and pay accrued late charges, advances, other costs, trustee's fees and attorney's fees as set forth below by May 25, 2009 (11 days before sale date). To date, these arrears and costs are as follows:

| | Currently due to reinstate on March 16, 2009 | Estimated due amount to reinstate on May 25, 2009 (11 days before the date set for sale) |
|---|--|---|
| Delinquent Payments from July 18, 2008 In the amount of \$498.16 per month | \$3,985.28 | \$5,479.76 |
| Total Late Charges | \$270.00 | \$270.00 |
| Advances: | | |
| PAYMENT ADJUSTMENT | \$166.40 | \$166.40 |
| FEES DUE | \$95.00 | \$95.00 |
| TRUSTEE FEE | \$675.00 | \$675.00 |
| TRUSTEE SALE GUARANTEE | \$470.00 | \$470.00 |
| MISC CHARGES | \$259.75 | \$259.75 |
| NOS RECORDING | \$74.00 | \$74.00 |
| RESCISSION RECORDING | \$84.00 | \$84.00 |
| SUBSTITUTION RECORDING | \$28.00 | \$28.00 |
| PUBLISHING | \$1,916.60 | \$1,916.60 |
| POSTING NOS | \$200.00 | \$200.00 |
| POSTING NOD | \$100.00 | \$100.00 |
| POSTPONE AUCTIONEER FEE | \$200.00 | \$200.00 |
| TOTALS: | \$8,524.03 | \$10,018.51 |

Exhibit B

WHEN RECORDED MAIL TO:

Cal-Western Reconveyance Corporation
of Washington
P.O. Box 22004
El Cajon, CA 92022-9004



Space Above This Line For Recorder's Use

Loan No. XXXXXXXXXXXXX603X

T.S. No. 1100371-12

Parcel No. 420240032508

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee, Cal-Western Reconveyance Corporation of Washington, will on June 05, 2009, at the hour of 10:00am, AT THE MAIN ENTRANCE TO THE ADMINISTRATION BUILDING 500 4TH AVENUE in the city of SEATTLE, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of KING, State of Washington to-wit:

LOT 19 BLOCK 4 LATIMERIS LAKE PARK ADDITION ACCORDING TO THE PLAT RECORDED IN VOLUME 18 OF PLATS PAGE 63 IN KING COUNTY WASHINGTON

Commonly known as: 409 MAPLE AVENUE
AKA 409 MAPLE AVENUE NW
RENTON WA 98055

which is subject to that certain Deed of Trust dated March 31, 2003, recorded June 17, 2003, under Auditor's File No. 20030617001310, Book XX, Page XX, records of KING County, Washington, from A MASANGKAY; ASIATICA E. MASANGKAY; RODOLFO M MASANGKAY; WIFE AND HUSBAND as Grantor,

to KEYBANK USA NATIONAL ASSOCIATION as Trustee, to secure an obligation in favor of KEYBANK NATIONAL ASSOCIATION as Beneficiary, the beneficial interest in which was assigned by
N/A

to KEYBANK NATIONAL ASSOCIATION

Exhibit C

Conversation with Key Bank

11/20/2009

716-614-7500 x3383

Danielle Williams c/atty. for Key Bank

Answered by Brian (atty. Welman)

According to Brian it is already in his record that 60% off is the proposal and all he needed is the authorization from Key Bank.

877-338-9436

Vanessa Wright (216) 813-7067

11/12/2009

425-687-8711

Tashia Moore- Key Bank Manager- she was also the one who processed our loan.

I went to her office at the Renton branch to ask about the confusion of the loan. Why is it that it appears that there are two loans when during that time the old loan was combined to the new loan? She agreed because she said no way that you will have two loans at the same time. The other loan was paid off by the other loan. Tashia called up Key Bank's bankruptcy department and agreed with it and said workout specialist will call me within 7-10 days.

7/13/2010 @ 11:00 am

1-866-325-9653 x37932 Ohio

Collection: Nerketa Watson

Called asking to pay \$3,000.00 for loan # 96473101840603 opened March 31, 2003. Whole amount of the balance was \$3,676.86. I asked when was the start of this amount. Nerketa said it was changed 2007. Entire amount for the account is \$3,676.86 with an equity line of \$71,000.00. I requested a copy of that statement or summary of the bill. Nerketa agreed to mail it and told me if I haven't received it by Monday 7/19/2010 to give her a call at the phone number she gave me.

7/19/2010

Called and asked for Nerketa but customer service did not connect me instead asked how he can help. I said I already talked to Nerketa but all I'm trying to check is the mail I requested that we haven't received yet. Ed said I have to call their attorney.

7/19/2010 @ 2:30 pm

Called again and Sean Hurst answered. He said Nerketa was gone for the day and he'd help me by looking on the computer. He said the mail was sent to the lawyer. I said I requested if they can resend it to my mailing address. He said he is going to follow up because they are not the ones who deal with mailing.